

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIREMAN'S FUND INSURANCE COMPANY, ONE
BEACON INSURANCE COMPANY, NATIONAL
LIABILITY AND FIRE INSURANCE COMPANY and
QBE MARINE & ENERGY SYNDICATE 1036,

10-cv-1653 (JPO) (JLC)

Plaintiffs,

**NOTICE OF CROSS-
MOTION**

– against –

GREAT AMERICAN INSURANCE COMPANY OF
NEW YORK, MAX SPECIALTY INSURANCE
COMPANY and SIGNAL INTERNATIONAL, LLC,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of Stephen D. Straus, dated April 17, 2013, the exhibits annexed thereto, the Statement of Uncontested Facts and memorandum of law filed herewith and the prior pleadings and proceedings herein, defendant MAX SPECIALTY INSURANCE COMPANY (“Max Specialty”) will move this Court, on a date and time as the Court may choose, before the Honorable J. Paul Oetken at the United States District Court, Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 706, New York, New York 10007 for an Order: (1) granting partial summary judgment in favor of Max Specialty (i) declaring Max Specialty insurance policy no. MAX2XP0004029, issued to defendant Signal International, LLC (“Signal”), void *ab initio*, (ii) ordering Signal to return the \$2,920,000 paid by Max Specialty to Signal for loss under the policy, and (iii) awarding Max Specialty the fees and costs, including attorney’s fees, it has incurred in litigating this action, together with such other relief as this Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that pursuant to Court Order, any opposition to the instant motion must be served by May 7, 2013.

Dated: April 17, 2013
Hawthorne, New York

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By: /s/ Stephen D. Straus
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